

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
FIRST APPEAL NO.2060 OF 2005**

.....  
OFFICE NOTES, OFFICE  
MEMORANDUM OF CORAM,  
APPEARANCES, COURT'S  
ORDERS OR DIRECTIONS  
AND REGISTRAR'S ORDERS  
.....

COURT'S OR JUDGES  
ORDERS

**CORAM : A. S. OKA, J.  
DATE : APRIL 12, 2006.**

**P.C.:**

1. The learned Counsel appearing for the Appellants states that Appellant-Company was not granted leave under section 170 of the Motor Vehicles Act, 1988 to defend the claim on behalf of the insured. The is no defence raised which is covered by sub-section 2 of section 149 of the said Act of 1988. In view of the law laid down by the Apex Court, the Appeal preferred by the Appellant is not maintainable and is dismissed as not maintainable. In view of this position, the Appellant is entitled to withdraw a sum of Rs.25,000/- which is deposited by the Appellant in this Court.

**JUDGE**